

THE NATIONAL ARCHIVES
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FEDERAL REGISTER
 OF THE UNITED STATES
 1934
 VOLUME 3 NUMBER 9

Washington, Thursday, January 13, 1938

TREASURY DEPARTMENT.

Bureau of Customs.

[T.D. 49329]

CUSTOMS REGULATIONS AMENDED—TERM CUTTER PASSES FOR NEWSPAPER PHOTOGRAPHERS

To Collectors of Customs and Others Concerned:

Pursuant to the authority contained in section 161 of the Revised Statutes (U. S. C., (1934 ed.) title 5, sec. 22) and section 624 of the Tariff Act of 1930 (U. S. C., (1934 ed.) title 19, sec. 1624), article 106 (d) of the Customs Regulations of 1937¹ is amended as follows:

In line 11 cancel the words "one pass" and substitute "two passes"; in line 12 before the word "except" insert "one to a news reporter and the other to a news photographer,"; in line 12 before the word "one" insert "in each case."

[SEAL]

JAMES H. MOYLE,
Commissioner of Customs.

Approved January 6, 1938.

STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

[F.R. Doc. 38-106; Filed, January 12, 1938; 10:31 a. m.]

[T.D. 49331]

CUSTOMS REGULATIONS AMENDED—DUTIES OF CHIEF ASSISTANT APPRAISER AND DEPUTY APPRAISER AT NEW YORK

To the United States Appraiser of Merchandise, New York, N. Y., and Others Concerned:

Pursuant to the authority contained in section 2 of the act of March 4, 1923, as amended, and sections 401 (j), 500 (c), and 624 of the Tariff Act of 1930 (U. S. C., title 19, secs. 6, 1401 (j), 1500 (c), and 1624) and section 161 of the Revised Statutes of the United States (U. S. C., title 5, sec. 22), the Customs Regulations of 1937 are hereby amended as follows:

Paragraph (a) of article 1384¹ is amended to read as follows:

(a) The chief assistant appraiser at New York shall be the principal administrative assistant to the appraiser. During the absence or disability of the appraiser, or in the event there is no appraiser, the chief assistant appraiser at New York shall exercise the powers and perform the duties of the appraiser.

Paragraph (d) of article 1384 is deleted.

A new article, designated 1384½, reading as follows, is added:

ART. 1384½. *Deputy appraiser at New York.*—The deputy appraiser at New York shall be the principal technical assistant to the appraiser. He is hereby authorized to perform the

duties of an appraiser as specified in paragraph (a) of section 500 of the Tariff Act of 1930, and to review, revise, and correct all appraisement reports made at the port of New York.

Section 2 of the act of March 4, 1923, and sections 401 (j) and 500 (c), Tariff Act of 1930, should be cited as marginal references opposite the new article 1384½.

A new paragraph, designated (f), reading as follows, is added to article 1421:²

(f) When a vacancy occurs in the position of deputy appraiser at New York it shall be filled, with the approval of the Secretary of the Treasury, by the promotion or transfer of a trained and qualified customs officer, and the deputy appraiser so appointed shall continue in office and shall not be reduced or removed except for cause and in accordance with the civil-service laws and regulations.

Old paragraph (f) of article 1421 is changed to (g) and the words "or deputy appraiser" are added after line two thereof.

[SEAL]

JAMES H. MOYLE,
Commissioner of Customs.

Approved January 6, 1938.

STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

[F. R. Doc. 38-103; Filed, January 11, 1938; 3:53 p. m.]

Office of the Secretary.

NEWLY MINED DOMESTIC SILVER REGULATIONS

JANUARY 10, 1938.

ARTICLE I. GENERAL PROVISIONS

SECTION 1. Scope.—These regulations relate to the receipt and coinage by the United States coinage mints of silver, mined in the United States or any place subject to the jurisdiction thereof, pursuant to the proclamation of December 21, 1933, as modified by the proclamations of August 9, 1934, April 10 and April 24, 1935, and December 30, 1937.³

SEC. 2. Authority for regulations.—These regulations are prescribed under authority of subsection (b) (2), section 43, title III of the act of Congress approved May 12, 1933 (Public, No. 10), as amended, and the President's proclamation of December 21, 1933, as modified by the proclamations of August 9, 1934, April 10 and April 24, 1935, and December 30, 1937.

SEC. 3. Revocation of the Newly Mined Domestic Silver Regulations of May 15, 1935.—The Newly-Mined Domestic Silver Regulations of May 15, 1935, relating to the receipt and coinage of silver, mined in the United States or any place subject to the jurisdiction thereof, pursuant to the

¹ 2 F. R. 1757 (DI).
² 2 F. R. 2034 (DI).

² 2 F. R. 2043 (DI).
³ 3 F. R. 29 (DI).



Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 10 cents each; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

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President's proclamation of December 21, 1933, as modified, are revoked. The revocation of such regulations shall not affect any act done or any right accruing or accrued or any suit or proceeding had or commenced in any civil or criminal cause prior to this revocation, and all liabilities under said regulations, the Silver Regulations of December 30, 1933, relating to the receipt and coinage of silver, and the Newly Mined Domestic Silver Regulations of April 16, 1935, shall continue and may be enforced as if said revocation had not been made.

SEC. 4. *Definitions.*—As used in these regulations—

The term "person" means an individual, partnership, association, or corporation.

The term "United States coinage mints" means the following mints: United States Mint, Philadelphia, Pa.; United States Mint, San Francisco, Calif.; United States Mint, Denver, Colo. And whenever authority is conferred in these regulations upon a "mint" such authority is conferred upon the person locally in charge of the mint, acting in accordance with instructions of the Director of the Mint or the Secretary of the Treasury.

SEC. 5. *Forms.*—Any form, the use of which is prescribed in these regulations, may be obtained at any United States mint or assay office or at the Treasury Department, Washington, D. C.

SEC. 6. *Revocation or modification.*—The provisions of these regulations may be revoked or modified at any time.

ARTICLE II. CONDITIONS UNDER WHICH SILVER WILL BE RECEIVED BY COINAGE MINTS

SEC. 20. *Silver which will be received.*—The United States coinage mints, under the conditions hereinafter specified and subject to the appropriate regulations governing the mints, will receive silver which any such mint is satisfied has been mined subsequent to December 21, 1933, from natural deposits in the United States or any place subject to the jurisdiction thereof.

Such mints will also receive silver which forms a part of a mixture of domestic, secondary, and/or foreign silver provided such mints are satisfied that the aggregate amount of such mixture so received does not exceed the amount of such mixture which has been mined subsequent to December 21, 1933, from natural deposits in the United States or any place subject to the jurisdiction thereof, and, provided further, that such mints are satisfied—

(a) That the aggregate amount of such mixture so received pursuant to the proclamation of April 10, 1935, modifying the proclamation of December 21, 1933, as modified, does not exceed the amount of such silver which has been mined on or after April 10, 1935, from natural deposits in the United States or any place subject to the jurisdiction thereof;

(b) That the aggregate amount of such mixture so received pursuant to the proclamation of April 24, 1935, modi-

fyng the proclamation of December 21, 1933, as modified, does not exceed the amount of such silver which has been mined on or after April 24, 1935, from natural deposits in the United States or any place subject to the jurisdiction thereof; and

(c) That the aggregate amount of such mixture so received pursuant to the proclamation of December 30, 1937, modifying the proclamation of December 21, 1933, as modified, does not exceed the amount of such silver which has been mined on or after January 1, 1938, from natural deposits in the United States or any place subject to the jurisdiction thereof.

SEC. 21. *Affidavits.*—(a) Every person delivering silver mined subsequent to December 21, 1933, but prior to April 10, 1935, under the provisions of the proclamation of December 21, 1933, as modified, shall file with each such delivery a properly executed affidavit on form TS-1 and supporting affidavit or affidavits of the miner or miners on form TS-2 or TS-2A, whichever is appropriate, containing the information called for in such forms and executed under oath before an officer duly authorized to administer oaths.

(b) Every person delivering under such proclamation, as modified, silver which has been mined on or after April 10, 1935, but prior to April 24, 1935, shall file with each such delivery a properly executed affidavit on form TS-100 and supporting affidavit or affidavits on form TS-200 or form TS-200A, whichever is appropriate, containing the information called for in such forms and executed under oath before an officer duly authorized to administer oaths.

(c) Every person delivering under such proclamation, as modified, silver which has been mined on or after April 24, 1935, but prior to January 1, 1938, shall file with each such delivery a properly executed affidavit on form TS-1000 and supporting affidavit or affidavits on form TS-2000 or form TS-2000A, whichever is appropriate, containing the information called for in such forms and executed under oath before an officer duly authorized to administer oaths.

(d) Every person delivering under such proclamation, as modified, silver which has been mined on or after January 1, 1938, shall file with each such delivery a properly executed affidavit on form TS-11 and supporting affidavit or affidavits on form TS-12 or form TS-12A, whichever is appropriate, containing the information called for in such forms and executed under oath before an officer duly authorized to administer oaths.

SEC. 22. *Evidence which may be demanded.*—Persons delivering silver under the provisions of these regulations shall furnish such further evidence as may from time to time be requested by any United States coinage mint or the Director of the Mint, including affidavits, sworn reports, and sworn abstracts from books of account of any mines or any or all smelters or refineries handling such silver.

SEC. 23. *Settlement for silver delivered.*—(a) The Director of the Mint, pursuant to the voluntary consent of the depositor given in the agreement executed on form TS-1, shall, in the case of such silver mined prior to April 10, 1935, retain 50 percent as seigniorage and for services performed by the Government of the United States, and the balance of such silver so received, that is, 50 percent thereof, shall be coined into standard silver dollars and the same, or an equal number of other standard silver dollars, or, at the option of the owner or depositor of such silver, silver certificates in an amount in dollars equal to such standard silver dollars, shall be delivered to the owner or depositor of such silver. Any fractional part of one dollar due hereunder shall be returned in any legal tender coin of the United States.

(b) The Director of the Mint, pursuant to the voluntary consent of the depositor as given in the agreement executed on form TS-100 shall, in the case of such silver mined on or after April 10, 1935, but prior to April 24, 1935, retain, of the silver so received, 45 percent as seigniorage and for services performed by the Government of the United States, and there shall be returned in standard silver dollars, silver certificates, or any other coin or currency of the United

States, the monetary value of the silver so received (that is, \$1.2929+ a fine troy ounce), less said deduction of 45 percent.

(c) The Director of the Mint, pursuant to the voluntary consent of the depositor as given in the agreement executed on form TS-1000 shall, in the case of such silver mined on or after April 24, 1935, but prior to January 1, 1938, retain, of the silver so received, 40 percent as seigniorage and for services performed by the Government of the United States, and there shall be returned in standard silver dollars, silver certificates, or any other coin or currency of the United States, the monetary value of the silver so received (that is, \$1.2929+ a fine troy ounce), less said deduction of 40 percent.

(d) The Director of the Mint, pursuant to the voluntary consent of the depositor as given in the agreement executed on form TS-11 shall, in the case of such silver mined on or after January 1, 1938, retain, of the silver so received, 50 percent as seigniorage and for services performed by the Government of the United States, and there shall be returned in standard silver dollars, silver certificates, or any other coin or currency of the United States, the monetary value of the silver so received (that is, \$1.2929+ a fine troy ounce), less said deduction of 50 percent.

ARTICLE III. RECORDS AND REPORTS

SEC. 30. *Records.*—Every person delivering silver under the proclamation of December 21, 1933, as modified, and regulations issued thereunder, and every person owning or operating a smelter or refinery at which silver to be delivered under such proclamation, as modified, and regulations issued thereunder, is mixed with secondary or foreign silver, or both, shall keep accurate records of all acquisitions, by mining or otherwise, and of all dispositions of silver mined subsequent to December 21, 1933, including, among other things, records of the date when such silver was mined, acquired, and disposed of. Such records, as well as records required to be kept under the Silver Regulations of December 30, 1933, April 16, 1935, and May 15, 1935, shall be preserved for at least one year after the last delivery and made available for examination by a representative of the Director of the Mint upon the request of such representative.

SEC. 31. *Reports.*—Every person delivering or who has delivered silver under the proclamation of December 21, 1933, as modified, and regulations issued thereunder, shall file with the Director of the Mint, on or before the 25th day of each month after the date the first delivery is made, a report covering the period of the preceding calendar month, provided that the first report shall cover the period from December 21, 1933, to the end of the calendar month preceding the date of the report. Silver delivered as aforesaid prior to April 1, 1935, shall be reported on form TS-3. Silver delivered as aforesaid on or after April 1, 1935, shall be reported on form TS-300. Such reports shall be executed under oath before an officer duly authorized to administer oaths and shall contain all of the information called for in such forms.

SEC. 32. *Agreement relating to records.*—Every person delivering, under the proclamation of December 21, 1933, as modified, silver which has been mixed with secondary or foreign silver, or both, at a smelter or refinery other than that of the person making the delivery, shall, upon request by any United States coinage mint or the Director of the Mint, also file with each delivery of such silver an agreement properly executed under oath by a duly authorized officer of such other smelter or refinery, that the records will be kept as provided in this article, and that such records will be available for examination by a representative of the Director of the Mint for at least one year after the last delivery.

[SEAL]

HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

Approved:

FRANKLIN D. ROOSEVELT
THE WHITE HOUSE,
January 10, 1938.

[F. R. Doc. 38-107; Filed, January 12, 1938; 10:32 a. m.]

WAR DEPARTMENT.

RULES AND REGULATIONS TO GOVERN USE, ADMINISTRATION, AND NAVIGATION OF INLAND WATERWAY FROM DELAWARE RIVER TO CHESAPEAKE BAY, DELAWARE AND MARYLAND (CHESAPEAKE AND DELAWARE CANAL)

THE LAW

[Here follows, in the original document, the text of Section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266) which may be found at 2 F. R. 2957 (DI).]

REGULATIONS

In pursuance of the foregoing law, the following rules and regulations are prescribed to govern the use, administration and navigation of the Inland Waterway (Chesapeake and Delaware Canal) from Delaware River to Elk River, Delaware and Maryland.

1. *Limits.*—The canal is a sea-level canal, extending from Reedy Point on the Delaware River 40 miles below Philadelphia, Pennsylvania, to the junction of Back Creek and Elk River, about 4 miles west of Chesapeake City, Maryland, a distance of 19 miles, with a branch channel (the old entrance to the canal) extending from Delaware City, Delaware, for a distance of 1.8 miles to the junction with the main canal from Reedy Point, Delaware. The Delaware River entrance to the main canal is at Reedy Point, about one and three-quarter miles below the old Delaware City entrance. The entrance is between two stone jetties about 800 feet apart at the outer ends, and the channel is located midway between them. The north jetty is marked by a flashing red light, and the south jetty by a flashing white light.

2. *Authority of waterway officers.*—The movement of all boats or craft of every description in the waterway shall be subject to the supervision of the District Engineer, an officer of the United States Engineer Department at Large, in general charge of Federal waterway improvements in the locality.

3. *Dimensions.*—The present project, authorized by Congress August 30, 1935, provides for a channel 27 feet deep at mean low water (referred to canal datum at Reedy Point) and 250 feet bottom width from Delaware River to Elk River (Canal datum is 2.99 below mean sea level). No vessel of greater draft than 25 feet should attempt to enter the waterway.

4. *Projections from vessels.*—No vessel carrying a deck load which overhangs or projects over the sides of the said vessel, nor any vessel which the District Engineer in charge considers a hazard to the canal or to other navigation using the canal, will be permitted to enter or pass through the waterway.

5. *Speed limits.*—The speed limit in any part of the waterway is six miles per hour, and the operations involved in interrupting the stream of vehicular traffic and raising the bridges are based upon this speed. When passing approaching craft or craft tied to the bank, the speed shall be reduced to four miles per hour in order to avoid excessive wash and damage to boats tied at wharves and to the banks of the canal.

6. *Traffic control—lights.*—Navigation in the canal is controlled by a dispatching system, with a chief dispatcher on duty at all times, at the Chesapeake City Office, and patrol boats at each end of the canal. The safe and efficient handling of traffic in the canal is dependent entirely on the compliance and observance of all orders issued through these patrol boats. These boats contact and report each vessel as it enters the waterway and a log of its name, length, beam, draft, height above water line, and speed of travel is kept, and the dispatcher, with this information and knowledge of the tides and channel conditions, is able to dispatch traffic safely.

Navigation in and through the canal shall be governed by the following system of traffic lights. These lights at the eastern entrance to the Canal are located on the outer end of the North Jetty, and at the western entrance on the south

bank of the Canal, approximately 6,000 feet west of Chesapeake City bridge, at about station 83+500.

1. *Green light.*—Canal open to navigation.
2. *Purple light.*—Caution, traffic restricted.
3. *Red light.*—Canal closed to traffic. Vessel must tie up.

7. *Handling of tows.*—All ships or tugs engaged in towing vessels not equipped with a rudder, whether light or laden, shall use two towlines, and shall shorten them to the greatest extent possible so as to have full control of their tows. Ships and tugs towing vessels provided with rudders may use one towline, but it must not exceed 100 feet in length. No towboat shall be permitted to enter the canal with more than two loaded, or three light barges, in single file.

Towboats shall not be permitted to enter the canal if considered inadequate to handle their tows with safety.

Vessels transiting the canal abreast must have the towboat on the port side of the vessel being towed.

The beam of any vessel, or the combined beam of tug and barge when towed abreast of the tug, must not exceed ninety (90) feet, except upon special arrangements made for a specific trip to the satisfaction of the District Engineer.

8. *Rafts.*—All tows of rafts must, before entering the canal, tie up and be inspected by a representative of the U. S. Engineer Sub-Office, Chesapeake City, Maryland (Telephone-Chesapeake City 2621). Such tows must not exceed 65 feet in width or 800 feet in length. Ponton rafts exceeding 200 feet in length must be accompanied by two tugs, one forward and one aft, so that the tow can be kept strung out behind the forward tug and on the proper side of the channel. All rafts must be accompanied by sufficient crew to properly care for them at all times, and to see that they are secure when tied up.

Tows of rafts will not be permitted to enter the canal unless the transit of the canal can be completed during daylight hours.

9. *Right of way.*—All vessels proceeding with the tide shall have the right of way over those proceeding against the tide. Large vessels and tows must not overtake and attempt to pass other large vessels or tows in the canal.

10. *Bridges.*—(a) There are four vertical lift type highway bridges and one railroad bridge crossing the main canal. These bridges have the following clearances:

Name of bridge	Vertical clearances above local mean low water		Tide range	Horizontal clearance between fenders
	Closed	Open		
Reedy Point	Feet 11.5	Feet 139.4	Feet 5.5	Feet 175
St. Georges	21.0	138.8	4.7	175
Penna. R. R.	48.2	138.2	3.2	175
Summit	70.9	138.0	3.3	175
Chesapeake City	11.5	137.9	2.5	240

(b) The branch canal is crossed by a double-leaf bascule highway bridge at Delaware City, which has a vertical clearance, when closed, of 17.0 feet above mean low water, and a horizontal clearance between fenders of 60 feet. This bridge is only open for the passage of vessels between the hours of 8:00 A. M. and 4:00 P. M., Eastern Standard Time.

(c) The signal for the opening of a bridge shall be three blasts of a whistle or horn blown on the vessel or craft desiring to pass.

If at the time of receiving the signal or notice above-prescribed a car, or train of cars, or other vehicle is approaching any draw so closely that it cannot be safely stopped before reaching such draw, two blasts of a whistle or horn shall be blown on the bridge. As soon thereafter as such draw shall be cleared, it shall be promptly opened, and four blasts of a whistle or horn blown on the bridge to indi-

cate such clearance. The navigation lights at the center of the draw span will show:

Red light.—Bridge closed to navigation, vessels must be kept under control so they can be stopped if necessary.

Green light.—Bridge open to navigation, vessel may proceed.

Fixed red and blinking red lights.—Vessel must stop and tie up before reaching bridge.

(d) Vessels shall be held responsible for any damage to the bridges through failure on the part of the vessel to observe prescribed regulations.

11. **Anchorage basins and mooring dolphins.**—An anchorage basin 12 feet deep is available on the south side of the channel, east of the Chesapeake City bridge and a smaller basin 6 feet deep is provided at Delaware City on the north side of the channel.

Mooring dolphins are provided on the north side of the channel at the eastern entrance of the canal at Reedy Point, and at the western entrance of the canal in Back Creek, about 5,000 feet west of Chesapeake City Bridge. Vessels may tie up at these mooring dolphins, and at the Government Wharf at Chesapeake City.

Such facilities are of a limited nature and occupancy of same for periods longer than absolutely necessary is prohibited. If it becomes necessary to use the facilities for longer than one twenty-four hour period, permission must be obtained from the Resident Engineer at Chesapeake City.

Four emergency dolphins are provided on each side of the five canal bridges at distances of 500 feet from the bridges. These dolphins are to be used for mooring in emergencies only.

12. **Wharfage facilities.**—Free wharfage is available on the west side of the anchorage basin at Chesapeake City, and at the anchorage basin at Delaware City on the north side of the channel. These wharves are for commercial use only, but may be used by pleasure vessels while loading supplies. Commercial vessels will not tie up at the wharves for periods longer than twenty-four hours unless permission is first obtained from the Resident Engineer at Chesapeake City. Any craft using these facilities must have on board at all times a crew adequate to properly care for the craft, and the United States assumes no responsibility for damages which may be sustained while using such facilities.

13. **Stopping in waterway.**—Whenever a vessel stops in the improved portions of the waterway, it shall be securely fastened to one bank and as close to the bank as possible. This shall be done only at such place and under such conditions as will not obstruct or prevent the passage of other vessels or craft.

When thus tied up all vessels must be moored by not less than two lines each, and shall not be tied up more than one abreast. Sufficient crew to care properly for such vessels shall remain on board at all times.

Stoppages in the improved portions of the waterway shall be only for such period as may be necessary, and no vessel or craft will be allowed to use such portions of the waterway as a permanent or semi-permanent place of mooring without the permission of the District Engineer.

Vessels may anchor in Elk River, but shall not anchor in the channel, and during the night shall display lights as required by navigation rules governing such cases.

14. **Refuse.**—The placing of any ashes or refuse, or of any material likely to cause an obstruction in the waterway or upon the banks or rights of way thereof is prohibited.

15. **Trespass upon waterway property.**—Trespass upon the waterway property or injury to the waterway, lands, banks, bridges, jetties, piers, fences, houses, trees, telephone lines, or to any other property of the United States pertaining to the waterway is prohibited.

16. **Fish and game.**—The fish and game laws of the United States and of the States of Delaware and Maryland, within their respective bounds, will be enforced upon the waters and lands pertaining to the waterway owned by the United States. The use of traps and nets upon the property is

forbidden except upon written permission from the District Engineer.

17. **Wrecked or damaged vessels.**—In the event a vessel is grounded or wrecked in the canal or is so damaged by accident as to render it likely to become an obstruction in the canal, the U. S. District Engineer, Philadelphia, Pennsylvania, shall supervise and direct all operations that may be necessary to float the vessel, or clear the wreckage, or move the damaged vessel to a safe locality.

18. **Commercial statistics.**—Masters or pursers of vessels shall furnish the District Engineer or his authorized representative, on each passage through the canal, such written statement of passengers, freight, and vessel data as may be indicated by blank forms furnished for this purpose. Failure to furnish this statement will result in denial of the privilege of the canal to the offending vessel.

Blank forms may be obtained from the following:

District Engineer, U. S. Engineer Office, Customhouse, Philadelphia, Pennsylvania.

District Engineer, U. S. Engineer Office, Post Office Building, Baltimore, Maryland.

Resident Engineer, U. S. Engineer Office, Chesapeake City, Maryland.

The patrol boats in the Canal.

Pilots.

19. **When regulations become effective.**—These rules and regulations regulating the use and administration and navigation of this waterway shall take effect and be in force from and after the date of approval hereof, and shall supersede the regulations approved February 7, 1927, for the government of the Inland Waterway from Delaware River to Chesapeake Bay, Delaware and Maryland (Chesapeake and Delaware Canal).

Approved December 31, 1937.

[SEAL]

HARRY H. WOODRING,
Secretary of War.

E. T. CONLEY,
Major General,
The Adjutant General.

[F. R. Doc. 38-104; Filed, January 12, 1938; 9:30 a. m.]

REGULATIONS TO GOVERN OPERATION OF DRAWBRIDGES ACROSS NIANTIC RIVER AT NIANTIC, CONNECTICUT

THE LAW

[Here follows, in the original document, the text of Section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362), which may be found at 2 F. R. 2813 (D1).]

THE REGULATIONS

In pursuance of the foregoing law, the following regulations are prescribed to govern the opening of the New York, New Haven and Hartford Railroad Bridge and the Connecticut State Highway Bridge across the Niantic River at Niantic, Connecticut, as follows:

1. The owners of, or agencies controlling the above-named bridges shall provide the appliances and personnel necessary for the safe, prompt and efficient operation of the draw.

2. The draw shall be opened promptly when the signal, hereinafter prescribed for the opening of the draw, is received from an approaching vessel or other water craft which cannot pass under the closed draw except as hereinafter provided.

3. Signals—

Call signals for opening of draw.—

Sound signals:

Railroad bridge.—One long and two short blasts of horn or whistle.

Highway bridge.—Three short blasts of horn or whistle.

Visual signals:

To be used in conjunction with sound signals when conditions are such that sound signals cannot be heard.

A white flag by day, and a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

Acknowledging signals.—**By bridge operator.—****Sound signals:**

Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately, or, if open, must be closed immediately: 2 long blasts of a horn or whistle, to be repeated at regular intervals until acknowledged by the vessel.

Visual signals:

To be used in conjunction with sound signals when conditions are such that sound signals cannot be heard.

Draw to be opened immediately: A white flag by day or a green light at night swung up and down vertically a number of times in full sight of the vessel.

Draw cannot be opened immediately, or, if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

By the vessel.—

Vessels or other water craft having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately, or if open must be closed immediately, shall acknowledge said signal by one long blast followed by a short blast, or by swinging to and fro horizontally a red flag by day and a red light by night.

Exceptions

For both bridges.—Between 8 P. M., and 4 A. M. during the period from April 1 to October 31, and 6 P. M. and 6 A. M. during the remaining months of the year the draw shall be opened for the passage of all vessels which cannot pass the closed bridges upon notice given by telephone or otherwise to the operators at least one hour in advance of the time the vessel desires to pass through. The owners of the bridges shall provide arrangements whereby the draw-tenders may be reached by telephone or otherwise, and notice of such arrangements shall be kept conspicuously posted on the bridges.

For the railroad bridge.—When a train scheduled to pass beyond the bridge without stop has entered the block in which the bridge is located the draw shall be opened as soon as the train has crossed the bridge, unless another train similarly scheduled and running in the opposite direction to the first train enters the block before the first train clears the bridge, in which case the draw shall be opened as soon as both trains have crossed the bridge. Further delay for train operation across the bridge is prohibited.

4. A copy of those regulations shall be conspicuously posted on both the upstream and downstream sides of the bridges in such manner that it can be easily read at any time.

5. These regulations shall take effect and be in force on and after the date of approval hereof.

Approved December 31, 1937.

[SEAL]

HARRY H. WOODRING,
Secretary of War.

E. T. CONLEY,
Major General,
The Adjutant General.

[F. R. Doc. 38-105; Filed, January 12, 1938; 9:30 a. m.]

DEPARTMENT OF THE INTERIOR.**National Bituminous Coal Commission.**

At a Regular Session of the National Bituminous Coal Commission Held at its offices in Washington, D. C., on the 11th day of January, 1938.

[Docket No. 66-FD]

ORDER CONCERNING INVESTIGATION OF NATURE AND EXTENT OF TRANSACTIONS IN INTRASTATE COMMERCE IN BITUMINOUS COAL IN STATE OF MICHIGAN AND EFFECT OF SUCH TRANSACTIONS ON INTERSTATE COMMERCE IN SUCH COAL

It appearing that by Orders No. 2 and 51¹ the Commission upon its own motion entered into and conducted an investigation under the provisions of Section 4-A of the Bituminous Coal Act of 1937, for the purpose of determining the nature and extent of transactions in intrastate commerce in bituminous coal in the State of Michigan and the effect of such transactions upon interstate commerce in such coal; and

It further appearing that reasonable public notice of a hearing was provided and that at said hearing interested parties were afforded an opportunity to be heard; that the presiding Examiner duly designated by the Commission having filed his report and recommendations and the Commission having given due consideration to said report and recommendations and to the record of the evidence in this proceeding; and, the Commission having on the 11th day of January, 1938, adopted the Examiner's report and recommendations as its own which said report is hereby referred to and made a part hereof;

Now, therefore, it is by order declared:

That substantially all transactions in bituminous coal in intrastate commerce in the State of Michigan directly affect interstate commerce in such coal; and

That there will be an undue or unreasonable advantage, preference or prejudice as between localities in Michigan in such intrastate commerce on the one hand and interstate commerce in bituminous coal on the other hand, and an undue, unreasonable, or unjust discrimination against interstate commerce in such coal if such transactions in intrastate commerce or any substantial part thereof are not regulated and subjected to the provisions of Section 4 of the Bituminous Coal Act of 1937.

Therefore, it is further ordered:

1. That on and after the 26th day of January, 1938, all bituminous coal sold, delivered, or offered for sale in transactions in intrastate commerce in such coal in all localities within the State of Michigan, shall be subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, to the Bituminous Coal Code, as promulgated by the Commission and made effective on the 21st day of June, 1937,² and to all relevant orders of the Commission in effect on the date of this order, as well as all further orders which may thereafter be issued by the Commission under Section 4 of said Act, so as to apply to such intrastate commerce in coal within the State of Michigan.

2. That any producer of bituminous coal in intrastate commerce within the State of Michigan, who may believe that his or its particular transactions in intrastate commerce in bituminous coal should be exempted from this order and/or from the provisions of Section 4 and 4-A of said Bituminous Coal Act of 1937, may file application at any time hereafter for exemption pursuant to the second paragraph of Section 4-A of said Act, and be entitled to a hearing and appropriate orders thereon.

3. That the Secretary of the Commission shall give notice to each known producer of bituminous coal within the State of Michigan who is not upon the date of this Order a member of the Bituminous Coal Code, by mailing, with-

¹ 2 F. R. 1266, 2284 (DI).

² 2 F. R. 1267 (DI).

in five (5) days from this date, a copy of this Order, together with three (3) copies of the Form of Code Acceptance and rules prescribed by the Commission for filing acceptances, and a copy of the Bituminous Coal Code as promulgated under date of June 21, 1937.

The Secretary shall cause a copy of this Order to be published in the FEDERAL REGISTER, and shall also publish a copy thereof in a newspaper of general circulation in each county within the State of Michigan known to produce bituminous coal, publication thereof to be made three (3) times within fourteen (14) days from the date of this Order.

By order of the Commission.

Dated this 11th day of January, 1938.

[SEAL] F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-108; Filed, January 12, 1938; 11:36 a. m.]

[Docket No. 93-FD]

IN THE MATTER OF DISTRICT BOARD NO. 11, ENOS COAL MINING COMPANY AND THE BINKLEY MINING COMPANY

AN ORDER AMENDING TEMPORARY ORDER ENTERED HEREIN ON DECEMBER 14, 1937

The Commission having entered a temporary order in the above entitled matter on the 14th day of December, 1937,¹ and upon being advised that the C. C. C. & St. L. Railroad referred to in the proviso to the Schedule of Minimum Prices for Coals of Code Members produced within District No. 11 established by said temporary order is not an operating company and does not consume any coal, but on the contrary it appearing that the coal is consumed by the New York Central Lines, the Commission upon its own motion hereby orders and directs as follows:

1. That the proviso referred to in paragraph 1 of said temporary order is hereby amended and revised by striking therefrom the words "the C. C. C. & St. L. Railroad" and substituting therefor the words "and consumption by the New York Central Lines."

2. That said Temporary Order, except as herein amended, shall remain in full force and effect until further Order of the Commission.

3. That the Secretary of the Commission shall forthwith mail a copy of this order to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Boards, to the petitioners; and to Code Members within District Number 11; and shall cause copies of this order to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 10th day of January, 1938.

[SEAL] F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-109; Filed, January 12, 1938; 11:36 a. m.]

[Docket No. 173-FD]

IN THE MATTER OF NORTH PARK COAL COMPANY
TEMPORARY ORDER

The North Park Coal Company, having filed a petition with the Commission pursuant to the provisions of Section 4, Part II (d) of the Act, alleging dissatisfaction with certain of the Minimum Prices Established for Coals of the Petitioner within District No. 16,² and praying for immediate and temporary relief as therein set forth, by preliminary or temporary order pending final disposition of such petition, and it appearing to the Commission that the petitioner has made reasonable showing of necessity for the granting of the tem-

porary relief prayed for therein to the extent hereinafter provided:

Now, therefore, The National Bituminous Coal Commission pursuant to the provisions of subsection (d) of Part II of Section 4 of the Bituminous Coal Act of 1937 hereby orders:

1. That pending final disposition of the aforesaid petition and/or until further order of the Commission, the "Schedule of Minimum Prices for Coals of Code Members Produced within District No. 16", and any and all supplements thereto, established for said district, be and the same hereby are modified and revised to contain the following provisions as if the same were fully set forth therein:

"Coals produced at the 'Moore Mine' in Jackson County, Colorado, operated by the North Park Coal Company in the Lafayette-Marshall #1 Sub-District within District No. 16, shall take minimum prices f. o. b. mine on Rail Shipments on the following sizes as hereinafter set forth:

	Per net ton
Size Group 1-----	\$3.25
Size Group 2-----	3.00
Size Group 3-----	3.00"

2. That except as herein temporarily revised, the minimum price schedules, and supplements thereto, established for District No. 16, shall remain in full force and effect.

3. That a hearing on said petition will be noticed upon further order of the Commission.

4. The Secretary of the Commission shall forthwith mail copies of this Order to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Boards, and to Code Members within District No. 16, shall cause a copy of this Order to be made available for inspection by all interested parties in the office of the Secretary of the Commission and at all Statistical Bureaus of the Commission, and shall cause a copy of this Order to be published in the FEDERAL REGISTER.

By Order of the Commission.

Dated this 10th day of January, 1938.

[SEAL] F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-110; Filed, January 12, 1938; 11:36 a. m.]

[Order No. 179]

AN ORDER MODIFYING ORDER NO. 95, AS MODIFIED BY ORDERS NOS. 131 AND 163, AND REVISING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NO. 7

The National Bituminous Coal Commission having by its Order No. 95, as modified by Orders Nos. 131 and 163,¹ determined and established the Minimum Prices of Coals of Code Members Produced within District No. 7 as set forth in "Price Schedule No. 1—District No. 7", and "Supplements Nos. 1 and 2 to Price Schedule No. 1—District No. 7", and having determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof will be carried out more effectively by supplementing the aforesaid Price Schedule and Supplements by a further Supplement as hereinafter provided.

Now, therefore, pursuant to Act of Congress entitled "An Act to Regulate Interstate Commerce in Bituminous Coal, and for other purposes" (Public. No. 48, 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the Minimum Prices of Coals of Code Members Produced within District No. 7, established in Price Schedule No. 1—District No. 7, and Supplements Nos. 1 and 2 thereto, are hereby corrected and revised as set forth in Supplement No. 3 to Price Schedule No. 1—District No. 7, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such Minimum Prices as shown in said Supplement No. 3

¹ 2 F. R. 3281 (DI).

² 2 F. R. 3342 (DI).

¹ 2 F. R. 3032, 3312, 3387 (DI).

shall be and hereby are determined and established as Minimum Prices of Coals of Code Members within District No. 7, and shall be and become effective at 12:01 o'clock A. M. on the 17th day of January, 1938.

2. That said Orders Nos. 95, 131 and 163, and Price Schedule No. 1—District No. 7, and Supplements Nos. 1 and 2 thereto, except as modified herein and by said Supplement No. 3 to Price Schedule No. 1—District No. 7, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this Order and Supplement No. 3 to Price Schedule No. 1—District No. 7 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards, and to Code Members within District No. 7; shall cause copies of this Order and said Supplement No. 3 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this Order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 11th day of January, 1938.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

SUPPLEMENT NO. 3 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 7

To All Code Members of District No. 7:

Effective January 17, 1938, the following changes in Supplement No. 1 to Price Schedule No. 1, shall be made:

Beckley Fire Creek Coal Company, Penman Mine, Beckley Seam, shall be added and price indexed as follows:

SIZE GROUPS

1	2	3	4	5	6	7	8	9
C	C	C	C	C	B	B	B	B

MacAlpin Coal Company, Poca. #4 Seam Mine, Poca. #4 Seam, shall be added and price indexed as follows:

SIZE GROUPS

1	2	3	4	5	6	7	8	9
C	C	C	C	C	B	B	B	B

Mill Creek Collieries Co., Mill Creek No. 2 Mine shall be changed to read as follows:

SIZE GROUPS

1	2	3	4	5	6	7	8	9	10	11	12	13	14
O	O	O	N	N	N	N	N	G	G	J	J	J	J

By order of the Commission.

Dated this 11th day of January, 1938.

F. W. McCULLOUGH, Secretary.

[F. R. Doc. 38-111; Filed, January 12, 1938; 11:37 a. m.]

[Order No. 180]

AN ORDER MODIFYING ORDER NO. 113, AND REVISING THE SCHEDULE OF MINIMUM PRICES FOR COALS OF CODE MEMBERS PRODUCED WITHIN DISTRICT NO. 14

The National Bituminous Coal Commission having by its Order No. 113¹ determined and established the minimum prices of coals of code members produced within District

No. 14 as set forth in Price Schedule No. 1—District No. 14, which together with an appendage "Description of Market Areas" was incorporated therein by reference, and the Commission upon its own motion having reviewed said Price Schedule No. 1—District No. 14, and determined that the provisions of subsections (a) and (b) of Part II of Section 4 of the Act and the purposes thereof, will be carried out more effectively by revising said Price Schedule No. 1—District No. 14, as hereinafter provided,

Now, therefore, pursuant to Act of Congress entitled "An Act to Regulate Interstate Commerce in Bituminous Coal, and for other purposes" (Public, No. 48, 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the minimum prices of coals of code members produced within District No. 14, established in Price Schedule No. 1—District No. 14, are hereby corrected and revised as set forth in Supplement No. 1 to Price Schedule No. 1—District No. 14, filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such minimum prices as shown in said Supplement No. 1, shall be and hereby are determined and established as the minimum prices of coals of code members within the said District No. 14, and shall be and become effective at 12:01 o'clock A. M. on the 17th day of January, 1938.

2. That said Order No. 113, and Price Schedule No. 1—District No. 14, except as modified herein and by said Supplement No. 1 to Price Schedule No. 1—District No. 14, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this Order and Supplement No. 1 to Price Schedule No. 1—District No. 14 to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Boards, and to Code Members within District No. 14; shall cause copies of this Order and said Supplement No. 1 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this Order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 11th day of January, 1938.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

SUPPLEMENT NO. 1 TO PRICE SCHEDULE NO. 1 FOR DISTRICT NO. 14

Supplemental Schedule of Minimum Prices for Coals Produced by Code Members within District No. 14, Established Pursuant to the Provisions of the "Bituminous Coal Act of 1937."

Effective: 12:01 A. M., January 17, 1938.

Issued January 11, 1938.

By order of the Commission.

F. W. McCULLOUGH, Secretary.

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members in District No. 14.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens. When other types of screens are used the round hole equivalent shall control the size.

4. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

5. When coal is subjected to any chemical, oil or waxing process, an additional charge of not less than 15 cents per net ton shall be made.

¹ 2 F. R. 3312 (DI).

² 2 F. R. 3204 (DI).

6. *Crushed Coal*: Where any coal is crushed the minimum price therefor shall be the minimum price established for the original size, before crushing, plus five cents per net ton.

7. Twenty-five cents per net ton extra shall be charged for all coal hand loaded into box cars.

8. *Slack coal*, Size Groups 11 and 12, moving to Oklahoma County, Oklahoma—In this area a minimum price of 80 cents per ton f. o. b. the mine, will apply on slack coal shipped from mines having a freight rate of not more than 90 cents a ton. All mines having a freight rate to this market area of more than 90 cents per ton shall have a minimum f. o. b. mine price for slack coal moving to that territory which will result in a delivered price of not less than \$1.70 per ton.¹

Price Index*

GROUP 4-D

Name of code member	Coal seam	Location of mine
Arkansas Excelsior Coal Co.	Upper Hartshorne	Excelsior, Arkansas.
Excelsior Thin Vein Coal Co.	Upper Hartshorne	Excelsior, Arkansas.

GROUP 4-E

Sublett Coal Company	Upper Hartshorne	Excelsior, Arkansas.
Mellier Mining Company	Upper Hartshorne	Excelsior, Arkansas.
Oliver-McQuire Coal Company	Upper Hartshorne	Excelsior, Arkansas.
Excelsior Valley Coal Corp.	Upper Hartshorne	Excelsior, Arkansas.
New Excelsior Coal Company	Upper Hartshorne	Excelsior, Arkansas.

¹ Cancels and supersedes Groups 4-D to 6-B appearing at 2 F. R. 3206 (DI).

² Exception 8 inserted. Cancels and supersedes Price Instructions and Exceptions appearing at 2 F. R. 3205 (DI).

Price Index—Continued

GROUP 5-A

Name of code member	Coal seam	Location of mine
Bates Mining Company	Lower Hartshorne	Bates, Arkansas.
Acme Semi Anth. Coal Company	Lower Hartshorne	Bates, Arkansas.
Leflore Poteau Coal Company	Panama	Poteau, Oklahoma.
Royal Smokeless Coal Company	Panama	Poteau, Oklahoma.
Quality Coal Company	Panama	Poteau, Oklahoma.
J. F. Turnipseed Coal Co.'s Nos. 1, 2 and 3	Panama	Poteau, Oklahoma.
Dane Coal Company	Panama	Poteau, Oklahoma.
Black Diamond Coal Company	Panama	Poteau, Oklahoma.
Pioneer Coal Company	Panama	Poteau, Oklahoma.
A. D. Clark Coal Company	Upper Hartshorne	Panama, Oklahoma.
Keener Coal Company	Lower Hartshorne	Bokoshe, Oklahoma.
Gillie Coal Company	Lower Hartshorne	Bokoshe, Oklahoma.

GROUP 5-B

Buck Creek Coal Mining Co. ¹	Upper Hartshorne	Panama, Oklahoma.
Little Ben Coal Company	Lower Hartshorne	Midland, Arkansas.
Midland Coal Mining Company	Lower Hartshorne	Midland, Arkansas.
Great Western Coal Company	Lower Hartshorne	Bonanza, Arkansas.
R. A. Young & Son Coal Co.	Lower Hartshorne	Jenny Lind, Arkansas.

GROUP 6-A

Premium Smokeless Coal Co.	Lower Hartshorne	Bokoshe, Oklahoma.
Banner Mining Company	Lower Hartshorne	Bokoshe, Oklahoma.

GROUP 6-B

Sans Bois Coal Company	Lower Hartshorne	McCurrian, Oklahoma.
Jackson Coal Company	Upper Hartshorne	Midland, Arkansas.

¹ Changed from Group 5-A to Group 5-B.

Prices in Cents per Net Ton of 2,000 Pounds for Shipment Into All Market Areas¹

SIZE GROUP

Mine group	Over 3" Lump	2 1/4" Lump	Grate	Furnace	Egg	Stove	Nut No. 4	Nut No. 1	Buck-wheat pea	Nut-run	Slack	Slack	Mine-run
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
1.....	R ¹												
2.....	R-T												
3-A.....	R-T	475	475	470	485	485	425	490	185	135	85	80	225
3-B.....	R-T	455	455	465	465	465		370	185	135	95	80	
3-C.....	R-T	440	440	450	450	450		360	185	135	95	80	
4-A.....	R	440	440	440	440	440		365	185	135	115	105	
4-B.....	R	430	430	430	430	430		355	185	135	115	105	
4-C.....	R-T	410	410	410	410	410		355	185	135	115	105	
4-D ¹	R	400	400	400	400	400		355	185	135	115	105	
4-E ¹	R-T	380	380	380	380	380			185	135	115	105	
5-A.....	R	425	425	425	425	425		365	185	135	115	105	
5-B.....	R	415	415	415	415	415		355	185	135	115	105	
6-A.....	R	400	400	400	400	400		345	185	135	115	105	
6-B.....	R	385	385	385	385	385		330	185	135	115	105	
7-A.....	R-T	370	350	360	360	360		310	185	135	115	105	270
7-B.....	R-T	360	340							135	115	105	270
7-C.....	R-T	350	330							135	115	105	270
8.....	R		355								115	105	
9.....	R-T		435										390

¹ Cancels and supersedes table appearing at 2 F. R. 3207 (DI).

² Prices for this group same as group 2 R-T.

³ Corrections.

Group #14, Shelly Coal, 330 (8 only).

Group #15, Smithing Coal (Carloads), 500.

Group #16, Smithing Coal (Carloads), 630 (if sacked).

[F. R. Doc. 38-112; Filed, January 12, 1938; 11:37 a. m.]

[Order No. 181]

AN ORDER MODIFYING ORDER NO. 88 BY AMENDING RULE 5 OF SECTION IX OF MARKETING RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COALS OF CODE MEMBERS WITHIN DISTRICTS NOS. 1 TO 13 INCLUSIVE, AND SUPPLEMENTING SAID RULES AND REGULATIONS BY ADDING A PROVISION THEREON

The National Bituminous Coal Commission having by its Order No. 88¹ prescribed and established Marketing Rules

¹ 2 F. R. 2979 (DI).

No. 9—2

and Regulations Incidental to the Sale and Distribution of Coals of Code Members within Districts Nos. 1 to 13 inclusive, and the Commission upon its own motion having reviewed said Marketing Rules and Regulations, and determined that the provisions of the Act and the purposes thereof, will be carried out more effectively by amending and supplementing said Marketing Rules and Regulations, as hereinafter provided,

Now, therefore, pursuant to Act of Congress entitled "An Act to Regulate Interstate Commerce in Bituminous Coal, and for other purposes" (Public, No. 48, 75th Cong., 1st

Sess.) known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the Marketing Rules and Regulations Incidental to the Sale and Distribution of Coals of Code Members within Districts Nos. 1 to 13 inclusive, are hereby amended and supplemented as set forth in "Supplement No. 1 to Marketing Rules and Regulations Incidental to the Sale and Distribution of Coals of Code Members within Districts Nos. 1 to 13 Inclusive" filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such Marketing Rules and Regulations as shown in said Supplement No. 1, shall be and hereby are prescribed and established as Marketing Rules and Regulations Incidental to the Sale and Distribution of Coals of Code Members within Districts Nos. 1 to 13 Inclusive, and shall be and become effective at 12:01 o'clock A. M. on the 17th day of January, 1938.

2. That said Order No. 88, and the Marketing Rules and Regulations thereby prescribed and established, except as modified herein and by said Supplement No. 1, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this Order and Supplement No. 1 to Marketing Rules and Regulations Incidental to the Sale and Distribution of Coals of Code Members within Districts Nos. 1 to 13 Inclusive, to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Board and to Code Members within Districts Nos. 1 to 13 inclusive; shall cause copies of this Order and said Supplement No. 1 to be made available for inspection by all interested parties at the Secretary's office of the Commission; and shall cause to be published a copy of this Order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 11th day of January, 1938.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

SUPPLEMENT NO. 1 TO MARKETING RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COALS OF CODE MEMBERS WITHIN DISTRICTS NOS. 1 TO 13 INCLUSIVE

To All Code Members Within Districts Nos. 1 to 13 Inclusive:

Effective January 17, 1938, Rule 5 of Section IX of Marketing Rules and Regulations, incidental to the sale and distribution of coals of code members within Districts Nos. 1 to 13 inclusive, shall read as follows:

"5. Invoices shall be paid in full in United States currency, or funds equivalent thereto, on or before the due date.

"No portion of the sale price may be withheld by agreement between the buyer and the seller based upon any unadjusted claim of the buyer.

"No sale, delivery, or offer for sale of coal, shall be made upon any condition, expressed or implied, that any portion of the sale price may be withheld by the buyer, or deposited in escrow, or made subject to rebate or refund by the seller, pending or based upon a determination of the constitutionality of any provision of the Act, of the jurisdiction of the Coal Commission, or of the validity or applicability of any order of the Coal Commission."

Said Marketing Rules and Regulations are further supplemented by adding thereto the following provision:

"If, in converting a net or gross ton price, freight rate or freight rate differential, the calculation extends to more than 3 decimals, and the 4th decimal is .0005 or more, it shall be added as .001, and if under .0005 it shall be eliminated."

By Order of the Commission.

Dated this 11th Day of January, 1938.

F. W. McCULLOUGH, Secretary.

[F. R. Doc. 38-113; Filed, January 12, 1938; 11:37 a. m.]

¹ 2 F. R. 2983 (DI).

[Order No. 182]

AN ORDER MODIFYING ORDERS NOS. 119 AND 139 BY AMENDING RULE 3 OF SECTION IX OF MARKETING RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COALS OF CODE MEMBERS WITHIN DISTRICTS NOS. 14, 15, 16, 17, 18, 19, 20, 22 AND 23, AND SUPPLEMENTING SAID RULES AND REGULATIONS BY ADDING A PROVISION THERETO

The National Bituminous Coal Commission having by its Order No. 119¹ prescribed and established Marketing Rules and Regulations Incidental to the Sale and Distribution of Coals of Code Members within District No. 14, and having by its Order No. 139² prescribed and established Marketing Rules and Regulations Incidental to the Sale and Distribution of Coals of Code Members within Districts Nos. 15, 16, 17, 18, 19, 20, 22 and 23, and the Commission upon its own motion having reviewed said Marketing Rules and Regulations, and determined that the provisions of the Act and the purposes thereof will be carried out more effectively by amending and supplementing said Marketing Rules and Regulations as hereinafter provided,

Now, therefore, pursuant to Act of Congress entitled "An Act to Regulate Interstate Commerce in Bituminous Coal, and for other purposes" (Public, No. 48, 75th Cong., 1st Sess.) known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the Marketing Rules and Regulations Incidental to the Sale and Distribution of Coals of Code Members within District No. 14 as prescribed by Order No. 119, and within Districts Nos. 15, 16, 17, 18, 19, 20, 22 and 23, as prescribed by Order No. 139, are hereby amended and supplemented as set forth in "Supplement No. 1 to Marketing Rules and Regulations Incidental to the Sale and Distribution of Coals of Code Members within Districts Nos. 14, 15, 16, 17, 18, 19, 20, 22 and 23," filed this day in the office of the Secretary of the Commission and made a part hereof by reference as though fully set forth herein, and such Marketing Rules and Regulations as shown in said Supplement No. 1 shall be and hereby are prescribed and established as Marketing Rules and Regulations Incidental to the Sale and Distribution of Coals of Code Members within Districts Nos. 14, 15, 16, 17, 18, 19, 20, 22, and 23, shall be and become effective at 12:01 o'clock A. M. on the 21st day of January, 1938.

2. That said Order No. 119, the Marketing Rules and Regulations thereby prescribed and established, and Order No. 139, and the Marketing Rules and Regulations thereby prescribed and established, except as modified herein and by said Supplement No. 1, shall remain in full force and effect.

3. That the Secretary of the Commission shall forthwith mail copies of this Order and "Supplement No. 1 to Marketing Rules and Regulations Incidental to the Sale and Distribution of Coals of Code Members within Districts Nos. 14, 15, 16, 17, 18, 19, 20, 22 and 23" to the Consumers' Counsel; the Secretaries of the Bituminous Coal Producers' Board and to Code Members within Districts Nos. 14, 15, 16, 17, 18, 19, 20, 22 and 23; shall cause copies of this Order and said Supplement No. 1 to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission; and shall cause to be published a copy of this Order in the FEDERAL REGISTER.

By order of the Commission.

Dated this 11th day of January, 1938.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

¹ 2 F. R. 3232 (DI).

² 2 F. R. 3324 (DI).

**SUPPLEMENT NO. 1 TO MARKETING RULES AND REGULATIONS
INCIDENTAL TO THE SALE AND DISTRIBUTION OF COAL OF CODE
MEMBERS WITHIN DISTRICTS NOS. 14, 15, 16, 17, 18, 19, 20,
22 AND 23**

*To All Code Members Within Districts Nos. 14 to 23,
Inclusive:*

Effective January 21, 1938, Rule 3 of Section IX¹ of marketing rules and regulations, incidental to the sale and distribution of coals of code members within Districts Nos. 14, 15, 16, 17, 18, 19, 20, 22 and 23, shall read as follows:

"3. Invoices shall be paid in full in United States currency, or funds equivalent thereto, on or before the due date.

"No portion of the sale price may be withheld by agreement between the buyer and the seller based upon any unadjusted claim of the buyer.

"No sale, delivery, or offer for sale of coal shall be made upon any condition, expressed or implied, that any portion of the sale price may be withheld by the buyer, or deposited in escrow, or made subject to rebate or refund by the seller, pending or based upon a determination of the constitutionality of any provision of the Act, of the jurisdiction of the Coal Commission, or of the validity or applicability of any order of the Coal Commission."

Said Marketing Rules and Regulations are further supplemented by adding thereto the following provision:

"If, in converting a net or gross ton price, freight rate or freight rate differential, the calculation extends to more than 3 decimals, and the 4th decimal is .0005 or more, it shall be added as .001, and if under .0005 it shall be eliminated."

By order of the Commission.

Dated this 11th Day of January, 1938.

F. W. McCULLOUGH, *Secretary.*

[F. R. Doc. 38-114; Filed, January 12, 1938; 11:38 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

DETERMINATION OF PROPORTIONATE SHARES FOR SUGARCANE PRODUCERS IN PUERTO RICO FOR THE CROP YEARS 1938 AND 1939, PURSUANT TO THE SUGAR ACT OF 1937

[Revised]

Whereas, Section 302 of the Sugar Act of 1937 provides in part as follows:

(a) The amount of sugar or liquid sugar with respect to which payment may be made shall be the amount of sugar or liquid sugar commercially recoverable, as determined by the Secretary, from the sugar beets or sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm, as determined by the Secretary, of the quantity of sugar beets or sugarcane for the extraction of sugar or liquid sugar required to be processed to enable the producing area in which the crop of sugar beets or sugarcane is grown to meet the quota (and provide a normal carry-over inventory) estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

(b) In determining the proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugar beets and sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugar beets or sugarcane, and the Secretary shall, insofar as practicable, protect the interests of new producers and small producers and the interests of producers who are cash tenants, share-tenants, adherent planters, or sharecroppers.

and

Whereas, subsection (c) of section 301 of said act provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

"(c) That there shall not have been marketed (or processed) an amount (in terms of planted acreage, weight, or recoverable

¹ 2 F. R. 3237, 3330 (DI).

sugar content) of sugar beets or sugarcane grown on the farm and used for the production of sugar or liquid sugar to be marketed in, or so as to compete with or otherwise directly affect interstate or foreign commerce, in excess of the proportionate share for the farm, as determined by the Secretary pursuant to the provisions of section 302, of the total quantity of sugar beets or sugarcane required to be processed to enable the area in which such sugar beets or sugarcane are produced to meet the quota (and provide a normal carry-over inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed."

Now, therefore, pursuant to the foregoing sections of the said act, I, H. A. Wallace, Secretary of Agriculture, do hereby determine that proportionate shares for sugarcane producers in Puerto Rico for the crop years 1938 and 1939 shall be established on the following bases:

I

1. For a producer for whom a 1937 marketing allotment was established, pursuant to the provisions of Puerto Rico Sugar Order No. 5, issued November 24, 1936,¹ such 1937 marketing allotment shall constitute his 1937 base, and his proportionate share for the 1938 crop shall be calculated, in terms of short tons of sugar, raw value, by multiplying such 1937 base by a fraction whose numerator shall be the sum of the initial sugar quotas established for Puerto Rico for the calendar year 1938, pursuant to sections 201 and 203 of the said act, plus whatever amount may be required to provide a normal carry-over inventory for Puerto Rico pursuant to section 302 (a) of the said act, and whose denominator shall be the total of such 1937 bases, plus the total of the 1937 bases determined for new growers² as provided in 2 and 3 below. A producer for whom a 1937 marketing allotment was established as aforesaid, and who is now growing sugarcane on land covered by a 1937 marketing allotment but from which no sugarcane was harvested during the crop year 1931, 1932 or 1934, or any subsequent crop year, may be considered as a new grower for 1938 with respect to such new production, in accordance with the provisions of 2 and 3 below.

2. For a producer for whom a 1937 marketing allotment was not established pursuant to the provisions of the said Puerto Rico Sugar Order No. 5, and whose current production, as estimated by the Secretary of Agriculture, is 15 tons of sugar, raw value, or less, the production so estimated shall constitute his 1937 base, and his proportionate share for the 1938 crop shall be calculated, in terms of short tons of sugar, raw value, by adjusting such 1937 base in the manner specified in 1 above.

3. For a producer for whom a 1937 marketing allotment was not established pursuant to the provisions of the said Puerto Rico Sugar Order No. 5, and whose current production, as estimated by the Secretary of Agriculture, is more than 15 tons of sugar, raw value, the 1937 base shall be the greater of either:

(a) 15 tons, plus an amount determined by multiplying the first ton of such estimated production in excess of 15 tons by 98 per centum, and thereafter by multiplying each successive ton by a percentage figure which shall be progressively reduced by 2 per centum for every such ton;

(b) 50 per centum of the current production in terms of short tons of sugar, raw value, estimated as aforesaid, provided, however, that such 50 per centum is not in excess of 1,000 tons;

and his proportionate share for the 1938 crop year shall be calculated in terms of short tons of sugar, raw value, by adjusting such 1937 base in the manner specified in 1 above.

¹ 1 F. R. 2039.

² A new grower (producer) for the 1938 crop year shall be the person who is the legal owner of the sugarcane crop grown on land for which a 1937 marketing allotment was not established pursuant to the provisions of Puerto Rico Sugar Order No. 5; and for the crop year 1939, a new grower (producer) shall be the person who is the legal owner of the sugarcane crop grown on land for which a proportionate share for 1938 has not been established pursuant to the provisions of this determination.

II

For the crop year 1939, proportionate shares shall be established in the same manner as set forth above, except that for a producer for whom a proportionate share was established in 1938, such proportionate share plus the base, if any, resulting from new production on land not covered by a 1938 proportionate share, shall constitute the base to be adjusted for the crop year 1939 as provided in 1 above, and the figure resulting from such adjustment shall be the proportionate share for the crop year 1939; and except, further, that for a producer for whom a proportionate share was not established in 1938 (i. e., for a new grower for 1939), the figure obtained pursuant to the provisions of 2 or of alternative (a) of 3 above, or of alternative (b) of 3 above (limited to fall plantings made prior to October 1, 1937 for harvest in 1939), whichever is applicable, shall constitute the base to be adjusted as provided in 1 above, and the figure resulting from such adjustment shall be the proportionate share for the crop year 1939.

III

1. Where a producer wishes to be considered as a new grower for any of the years referred to above, application must be made at such time and in such manner as may be prescribed by the Secretary of Agriculture.

2. In the event that a proportionate share for any year, established in accordance with the foregoing provisions of this determination, is not filled, the unfilled portion thereof shall be prorated, on the basis of the proportionate shares then in effect, among all other producers within the same mill area who are able to supply such unfilled portion.

IV

In addition to the foregoing, the following conditions shall be met:

1. That no change shall have been made in the leasing or cropping agreements for the purpose of, or which shall have the effect of, diverting to any producer any payment to which share-tenants or share-croppers would be entitled if the 1937 leasing or cropping agreements were in effect.

2. That there shall have been no interference by any producer with contracts heretofore entered into by tenants or share-croppers for the sale of their sugarcane.

V

The Chief, or the Acting Chief, of the Sugar Section of the Agricultural Adjustment Administration, and the Officer in Charge of the San Juan office of the Agricultural Adjustment Administration, or the Acting Officer in Charge thereof, are hereby designated to act, jointly or severally, as agents of the Secretary of Agriculture in administering the provisions of this determination.

This determination supersedes the "Determination of Proportionate Shares for Sugarcane Producers in Puerto Rico for the Crop Years 1938 and 1939, Pursuant to the Sugar Act of 1937", issued November 18, 1937.

Done at Washington, D. C. this 11th day of January 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-117; Filed, January 12, 1938; 12:40 p. m.]

FARM CREDIT ADMINISTRATION.

[FCA 70]

FEDERAL FARM MORTGAGE CORPORATION

FEES TO BE CHARGED APPLICANTS FOR EXTENSION OF ENTIRE INDEBTEDNESS ON LAND BANK COMMISSIONER LOANS HELD BY THE CORPORATION

Pursuant to Sections 1 and 2 of the Federal Farm Mortgage Corporation Act, as amended (12 U. S. C. 1020 and 1020a),

¹ 2 F. R. 2913 (DI).

and Section 32 of the Emergency Farm Mortgage Act of 1933, as amended (12 U. S. C. 1016), the executive committee of the Federal Farm Mortgage Corporation on December 23, 1937, adopted a resolution providing that the following fees be charged in connection with the costs of making extensions of the entire indebtedness on Land Bank Commissioner loans held by the Corporation:

1. A fee of not less than \$7.50 nor more than \$10.00 to be paid by the applicant for each Land Bank Commissioner loan upon which an application for extension of the entire indebtedness is made.

2. The applicant will also be required to pay actual cash outlays for abstract expense, notarial costs, recording fees or other similar disbursements necessary for completion of the transaction.

[SEAL]

A. T. ESCATE,
Executive Vice President,
Federal Farm Mortgage Corporation.

[F. R. Doc. 38-115; Filed, January 12, 1938; 12:08 p. m.]

[FCA 71]

AMENDMENT OF REGULATION GOVERNING CONSOLIDATION OF NATIONAL FARM LOAN ASSOCIATIONS

Subparagraph (4) of paragraph 1 of Section 40 of the Rules and Regulations approved June 8, 1926, as amended [FLB 989, NFLA EXAM 236, November 12, 1935; Chapter II, Section 18 (d), FEDERAL REGISTER Compilation], is hereby amended to read as follows:

Each of the constituent associations shall be examined as soon as possible after the consolidation agreement has been approved by the stockholders of all the constituent associations, unless the Farm Credit Administration, upon recommendation of the Federal land bank of the district, shall decide that such an examination is not necessary.

[SEAL]

A. S. GOSS,
Land Bank Commissioner.

[F. R. Doc. 38-116; Filed, January 12, 1938; 12:08 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities
and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of January, 1938.

[File No. 7-126]

IN THE MATTER OF APPLICATION OF THE SAN FRANCISCO CURB EXCHANGE FOR UNLISTED TRADING PRIVILEGES IN ATLAS CORPORATION, COMMON STOCK

ORDER GRANTING APPLICATION

The San Francisco Curb Exchange having made application to the Commission, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for permission to extend unlisted trading privileges to the Atlas Corporation, Common Stock; and

A hearing having been held in this matter after appropriate notice,¹ and the Commission having this day made and filed its findings herein;

It is ordered, That the application of the San Francisco Curb Exchange, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for permission to extend unlisted trading privileges to the Common Stock of Atlas Corporation, be and the same is hereby granted.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-121; Filed, January 12, 1938; 12:49 p. m.]

¹ 2 F. R. 58 (DI).

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of January 1938.

[File No. 7-90]

**IN THE MATTER OF APPLICATION OF THE SAN FRANCISCO CURB
EXCHANGE FOR UNLISTED TRADING PRIVILEGES IN BERKEY &
GAY FURNITURE COMPANY, COMMON STOCK**

ORDER GRANTING APPLICATION

The San Francisco Curb Exchange having made application to the Commission, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for permission to extend unlisted trading privileges to the Common Stock of Berkey & Gay Furniture Company; and

A hearing having been held in this matter after appropriate notice,¹ and the Commission having this day made and filed its findings herein;

It is ordered, That the application of the San Francisco Curb Exchange, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for permission to extend unlisted trading privileges to the Common Stock of Berkey & Gay Furniture Company, be and the same is hereby granted.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-120; Filed, January 12, 1938; 12:49 p. m.]

*United States of America—Before Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of January, A. D. 1938.

**IN THE MATTER OF CHOLLAR EXTENSION MINING COMPANY
COMMON STOCK, 10 CENTS PAR VALUE**

ORDER POSTPONING HEARING

The Commission having heretofore on December 28, 1937,² ordered that a hearing under Section 19 (a) (2) of the Securities Exchange Act of 1934 be held on January 18, 1938, at the Regional Office of the Commission, 625 Market Street, San Francisco, California, to determine whether to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Stock, 10 Cents Par Value, of Chollar Extension Mining Company on the San Francisco Mining Exchange; and

¹ 2 F. R. 59 (DI).

² 2 F. R. 3445 (DI).

The registrant having requested additional time to meet the requirements of the Commission;

It is ordered, That the hearing heretofore called for January 18, 1938, be held at the same hour and place on January 26, 1938; and

It is further ordered, That for the purpose of such proceeding, Howard A. Judy, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By direction of the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-119; Filed, January 12, 1938; 12:49 p. m.]

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of January, 1938.

[File No. 2-3397]

**IN THE MATTER OF YPRES CADILLAC MINES LIMITED (NO
PERSONAL LIABILITY)**

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of Ypres Cadillac Mines Limited (No Personal Liability), an Ontario corporation, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises,

It is ordered, Pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Ypres Cadillac Mines Limited (No Personal Liability), an Ontario corporation, be and the same hereby is suspended.

By direction of the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-118; Filed, January 12, 1938; 12:49 p. m.]

